

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

FINAL ORDER

Effective: 06/30/03

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
RAPHAEL CHARLES KOURI)

Docket No. 3170-SO

SUMMARY ORDER

(Pursuant to K.S.A. 2002 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2002 Supp. 40-4909, the Commissioner hereby revokes the nonresident agent's license of Raphael Charles Kouri ("Kouri") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Kouri is licensed as a nonresident agent to transact the business of insurance in the State of Kansas and has been so licensed since May 19, 1999. KID records further indicate a legal and mailing address of 522 SW 10th Street, Ft. Lauderdale, FL 33315, and that the license is currently suspended.
2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects actions, including license revocations, in West Virginia, Massachusetts, Oklahoma, Indiana, and Florida.
3. According to the Notice of Revocation, docket number 60724-02-AG, Kouri's home state of Florida revoked his license effective July 3, 2002, as a result of a criminal conviction.
4. In case number 98 CR 738-1 in the United States District Court for the Northern District of Illinois, Kouri entered a plea of guilty to one count of violation of 18 U.S.C. 875(c)

(transmission “in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another”), a felony, and was sentenced to probation. In exchange for the plea, three extortion counts under different subsections of the same statute were dismissed.

5. To date, the KID has not received notice from Kouri of the actions or the conviction.

Applicable Law

6. K.S.A. 2002 Supp. 40-4909(a) provides, in relevant part:

“The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has . . . (2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder . . . (6) Been convicted of a misdemeanor or felony . . . (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 2002 Supp. 40-4909(a).

7. Administrative regulations require that a person licensed in this state as an insurance agent shall, within 30 days of the occurrence, report enumerated events to the Commissioner. Among these events are disciplinary action against the agent’s license by the insurance regulatory official of any other state or territory or conviction of a misdemeanor or felony. K.A.R. § 40-7-9.

8. K.S.A. 2002 Supp. 40-4906 and 4908 provide for issuance of a nonresident agent’s license in reliance upon the agent’s valid license in the agent’s home state.

9. The Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the insurable interests of the public are not properly served under such license. K.S.A. 2002 Supp. 40-4909(b).

Conclusions of Law

10. The Commissioner has jurisdiction over Kouri as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

11. The Commissioner finds that Kouri has been convicted of a felony.

12. The Commissioner finds that Kouri violated the administrative regulation requiring a licensed agent to report disciplinary action by other states or any conviction of a misdemeanor or felony within 30 days.

13. The Commissioner further concludes that Kouri is no longer entitled to hold a license based on reciprocity because his home state license has been revoked.

14. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Raphael Charles Kouri pursuant to K.S.A. 2002 Supp. 40-4909(a)(2)(A), 4909(a)(6), and 4909(a)(9).

15. Moreover, the Commissioner finds that Kouri's insurance agent's license should be revoked pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the public.

16. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Raphael Charles Kouri.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Raphael Charles Kouri is hereby REVOKED.

Notice and Opportunity for Hearing

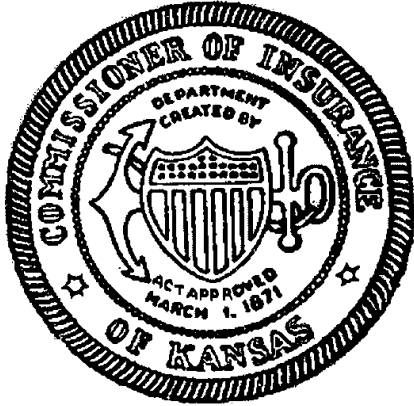
Raphael Charles Kouri, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th Street, Topeka, KS 66612.

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this summary order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen-day period for requesting a hearing. The Final Order will constitute final agency action in this matter.

In the event the Petitioner files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the KID is John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th St., Topeka, KS 66612-1678.

IT IS SO ORDERED THIS 12th DAY OF JUNE, 2003, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger _____
Sandy Praeger
Commissioner of Insurance
BY:

/s/ John W. Campbell _____
John W. Campbell
General Counsel

Certificate of Service

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 12th day of June, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Raphael Charles Kouri
522 SW 10th Street
Ft. Lauderdale, FL 33315

/s/ John W. Campbell _____
John W. Campbell